

1-1 By: Carona S.B. No. 673  
 1-2 (In the Senate - Filed February 19, 2013; February 25, 2013,  
 1-3 read first time and referred to Committee on Business and Commerce;  
 1-4 March 13, 2013, reported favorably by the following vote:  
 1-5 Yeas 8, Nays 0; March 13, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the requirements for elevators, escalators, and related  
 1-20 equipment; providing penalties.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 754.011, Health and Safety Code, is  
 1-23 amended to read as follows:

1-24 Sec. 754.011. DEFINITIONS. In this chapter [~~subchapter~~]:

1-25 (1) "Acceptance inspection" means an inspection  
 1-26 performed at the completion of the initial installation or  
 1-27 alteration of equipment and in accordance with the applicable ASME  
 1-28 Code A17.1.

1-29 (2) "Accident" means an event involving equipment that  
 1-30 results in death or serious bodily injury to a person.

1-31 (3) "Alteration" means a change in [~~or modernization~~  
 1-32 ~~of~~] existing equipment. The term does not include testing,  
 1-33 maintenance, repair, replacement, or a cosmetic change that does  
 1-34 not affect the operational safety of the equipment or diminish the  
 1-35 safety of the equipment below the level required by the ASME Code  
 1-36 A17.1, ASME Code A17.3, ASME Code A18.1, or ASCE Code 21, as  
 1-37 applicable, at the time of alteration.

1-38 (4) "Annual inspection" means an inspection of  
 1-39 equipment performed in a 12-month period in accordance with the  
 1-40 applicable ASME Code A17.1, ASME Code A17.3, ASME Code A18.1, or  
 1-41 ASCE Code 21. The term includes an acceptance inspection performed  
 1-42 within that period.

1-43 (5) "ASCE" means the American Society of Civil  
 1-44 Engineers.

1-45 (6) "ASCE Code 21" means the American Society of Civil  
 1-46 Engineers Code 21 for people movers operated by cables, as it  
 1-47 existed on January 1, 2004, or any subsequent revision of that code  
 1-48 adopted after a review by the commission, as required by law.

1-49 (7) "ASME" means the American Society of Mechanical  
 1-50 Engineers.

1-51 (8) [~~(6)~~] "ASME Code A17.1" means the American Society  
 1-52 of Mechanical Engineers Safety Code for Elevators and Escalators  
 1-53 (Bi-national standard with CSA B44-2007), ASME A17.1/CSA-B44, as it  
 1-54 existed on January 1, 2004, or any subsequent revision of that code  
 1-55 adopted after a review by the commission, as required by law.

1-56 (9) [~~(6-a)~~] "~~Executive director~~" means the executive  
 1-57 ~~director of the department.~~

1-58 [~~(7)~~] "ASME Code A17.3" means the 2002 American  
 1-59 Society of Mechanical Engineers Safety Code for Elevators and  
 1-60 Escalators A17.3.

1-61 (10) [~~(8)~~] "ASME Code A18.1" means the American

2-1 Society of Mechanical Engineers Safety Code for Platform Lifts and  
2-2 Stairway Chairlifts A18.1, as it existed on January 1, 2004, or any  
2-3 subsequent revision of that code adopted after a review by the  
2-4 commission, as required by law.

2-5 (11) [(9)] "Board" means the elevator advisory board.  
2-6 (12) [(10)] "Commission" means the Texas Commission  
2-7 of Licensing and Regulation.

2-8 (13) [(12)] "Contractor" means a person engaged in the  
2-9 installation, alteration, testing, repair, or maintenance of  
2-10 equipment. The term does not include an employee of a contractor or  
2-11 a person engaged in cleaning or any other work performed on  
2-12 equipment that does not affect the operational safety of the  
2-13 equipment or diminish the safety of the equipment below the level  
2-14 required by the ASME Code A17.1, ASME Code A17.3, ASME Code A18.1,  
2-15 or ASCE Code 21, as applicable.

2-16 (14) [(13)] "Department" means the Texas Department  
2-17 of Licensing and Regulation.

2-18 (15) [(14)] "Equipment" means an elevator, escalator,  
2-19 chairlift, platform lift, automated people mover operated by  
2-20 cables, or moving sidewalk, or related equipment.

2-21 (16) "Executive director" means the executive  
2-22 director of the department.

2-23 (17) [(15)] "Industrial facility" means a facility to  
2-24 which access is primarily limited to employees or contractors  
2-25 working in that facility.

2-26 (18) "Inspector" means a person engaged in the  
2-27 inspection and witnessing of the tests specified in the adopted  
2-28 standards of ASME Code A17.1, ASME Code A17.3, ASME Code A18.1, or  
2-29 ASCE Code 21, as applicable, to determine compliance with those  
2-30 standards.

2-31 (19) "Owner" means a person, company, corporation,  
2-32 authority, commission, board, governmental entity, institution, or  
2-33 other entity that holds title to a building or facility in which  
2-34 equipment regulated by this chapter is located.

2-35 (20) [(16)] "Qualified historic building or facility"  
2-36 means a building or facility that is:  
2-37 (A) listed in or eligible for listing in the  
2-38 National Register of Historic Places; or  
2-39 (B) designated as a Recorded Texas Historic  
2-40 Landmark or State Archeological Landmark.

2-41 (21) [(17)] "Related equipment" means:  
2-42 (A) automatic equipment that is used to move a  
2-43 person in a manner that is similar to that of an elevator, an  
2-44 escalator, a chairlift, a platform lift, an automated people mover  
2-45 operated by cables, or a moving sidewalk; and  
2-46 (B) hoistways, pits, and machine rooms for  
2-47 equipment.

2-48 (22) [(18)] "Serious bodily injury" means a major  
2-49 impairment to bodily function or serious dysfunction of any bodily  
2-50 organ or part requiring medical attention.

2-51 (23) [(19)] "Unit of equipment" means one elevator,  
2-52 escalator, chairlift, platform lift, automated people mover  
2-53 operated by cables, or moving sidewalk, or related equipment.

2-54 SECTION 2. Section 754.0111, Health and Safety Code, is  
2-55 amended to read as follows:  
2-56 Sec. 754.0111. EXEMPTIONS [EXEMPTION]. (a) This chapter  
2-57 [subchapter] does not apply to equipment in a private building for a  
2-58 labor union, trade association, private club, or charitable  
2-59 organization that has two or fewer floors.

2-60 (b) This chapter [subchapter] does not apply to an elevator  
2-61 located in a single-family dwelling, except as provided by Section  
2-62 754.0141.

2-63 (c) This chapter does not apply to equipment located in a  
2-64 building owned and operated by the federal government.

2-65 (d) This chapter does not apply to equipment in an  
2-66 industrial facility, or in a grain silo, radio antenna, bridge  
2-67 tower, underground facility, or dam, to which access is limited  
2-68 primarily to employees of or working in that facility or structure.

2-69 SECTION 3. Subsections (a) and (d), Section 754.012, Health

3-1 and Safety Code, are amended to read as follows:

3-2 (a) The elevator advisory board is composed of nine members  
3-3 appointed by the presiding officer of the commission, with the  
3-4 commission's approval, as follows:

3-5 (1) a representative of the insurance industry or a  
3-6 registered [~~certified~~] elevator inspector;

3-7 (2) a representative of equipment constructors;

3-8 (3) a representative of owners or managers of a  
3-9 building having fewer than six stories and having equipment;

3-10 (4) a representative of owners or managers of a  
3-11 building having six stories or more and having equipment;

3-12 (5) a representative of independent equipment  
3-13 maintenance companies;

3-14 (6) a representative of equipment manufacturers;

3-15 (7) a licensed or registered engineer or architect;

3-16 (8) a public member; and

3-17 (9) a public member with a physical disability.

3-18 (d) The board shall meet as determined by the executive  
3-19 director or by the presiding officer of the commission [~~at least~~  
3-20 ~~twice each calendar year~~].

3-21 SECTION 4. Section 754.013, Health and Safety Code, is  
3-22 amended to read as follows:

3-23 Sec. 754.013. BOARD DUTIES. To protect public safety and to  
3-24 identify and correct potential hazards, the board shall advise the  
3-25 commission on:

3-26 (1) the adoption of appropriate standards for the  
3-27 installation, maintenance, alteration, operation, testing, and  
3-28 inspection of equipment;

3-29 (2) the status of equipment used by the public in this  
3-30 state;

3-31 (3) sources of information relating to equipment  
3-32 safety;

3-33 (4) public awareness programs related to elevator  
3-34 safety, including programs for sellers and buyers of single-family  
3-35 dwellings with elevators, chairlifts, or platform lifts; and

3-36 (5) any other matter considered relevant by the  
3-37 commission.

3-38 SECTION 5. Section 754.014, Health and Safety Code, is  
3-39 amended by amending Subsections (a), (b), (c), (d), (e), (h), (j),  
3-40 (k), (l), and (m) and adding Subsection (h-1) to read as follows:

3-41 (a) The commission by rule shall adopt standards for the  
3-42 installation, maintenance, alteration, operation, testing, and  
3-43 inspection of equipment used by the public in:

3-44 (1) buildings owned or operated by the state, a  
3-45 state-owned institution or agency, or a political subdivision of  
3-46 the state; and

3-47 (2) buildings that contain equipment that is open to  
3-48 the general public, including a hotel, motel, apartment house,  
3-49 boardinghouse, church, office building, shopping center, or other  
3-50 commercial establishment.

3-51 (b) Standards adopted under [~~by the~~] commission rules may  
3-52 not contain requirements in addition to the requirements in the  
3-53 ASME Code A17.1, ASME Code A17.3, ASME Code A18.1, or ASCE Code 21.  
3-54 The standards must allow alteration of existing equipment if the  
3-55 alteration does not diminish the safety of the equipment below the  
3-56 level required by this chapter [~~subchapter~~] at the time of  
3-57 alteration.

3-58 (c) Standards adopted under [~~by the~~] commission rules must  
3-59 require equipment to comply with the installation requirements of  
3-60 the ASME Code A17.1, ASME Code A18.1, or ASCE Code 21 that was in  
3-61 effect and applicable on the date of installation of the equipment.

3-62 (d) Standards adopted under [~~by the~~] commission rules must  
3-63 require equipment to comply with the installation requirements of  
3-64 the ASME Code A17.3 that contains minimum safety standards for all  
3-65 equipment, regardless of the date of installation.

3-66 (e) The executive director may [~~shall~~] grant a delay for  
3-67 compliance with the codes and adopted standards [~~applicable ASME~~  
3-68 ~~Code A17.1, ASME Code A17.3, or ASME Code A18.1~~] until a specified  
3-69 time if the executive director determines that the noncompliance

4-1 does not constitute a significant threat to passenger or worker  
 4-2 safety [~~compliance is not readily achievable, as that phrase is~~  
 4-3 ~~defined in the Americans with Disabilities Act (42 U.S.C. Section~~  
 4-4 ~~12101 et seq.), or regulations adopted under that Act]. The  
 4-5 accumulated total time of all delays for a specific noncompliant  
 4-6 condition may not exceed three years, except as determined  
 4-7 [~~provided~~] by [~~Subsection (f) or as allowed in the discretion of~~]  
 4-8 the executive director.~~

4-9 (h) The executive director shall grant a waiver of  
 4-10 compliance if the noncompliance resulted from compliance with a  
 4-11 municipal equipment construction code at the time of the original  
 4-12 installation and the noncompliance does not pose imminent and  
 4-13 significant danger.

4-14 (h-1) The executive director may grant a waiver of  
 4-15 compliance with the firefighter's service provisions of the ASME  
 4-16 Code A17.1 or the ASME Code A17.3 in an elevator that exclusively  
 4-17 serves a vehicle parking garage in a building that:

- 4-18 (1) is used only for parking;
- 4-19 (2) is constructed of noncombustible materials; and
- 4-20 (3) is not greater than 75 feet in height.

4-21 (j) One application for a waiver or delay may contain all  
 4-22 requests related to a unit of equipment. [~~A delay may not be~~  
 4-23 ~~granted indefinitely but must be granted for a specified time not to~~  
 4-24 ~~exceed three years.~~]

4-25 (k) For purposes of determining the applicable standards  
 4-26 and codes under this chapter [~~section~~], the date of installation or  
 4-27 alteration of equipment is the date that the owner of the real  
 4-28 property entered into a contract for the installation or alteration  
 4-29 of the equipment. If that date cannot be established, the date of  
 4-30 installation or alteration is the date of issuance of the municipal  
 4-31 building permit under which the equipment was installed or altered  
 4-32 or, if a municipal building permit was not issued, the date that  
 4-33 electrical consumption began for the construction of the building  
 4-34 in which the equipment was installed.

4-35 (l) Standards adopted under [~~by the~~] commission rules may  
 4-36 include and be guided by revised versions of ASME Code A17.1, ASME  
 4-37 Code A18.1, and ASCE Code 21, as appropriate.

4-38 (m) The executive director may on application of a person  
 4-39 and in accordance with procedures adopted under [~~by the~~] commission  
 4-40 rules, grant a variance to allow the installation of new technology  
 4-41 if the new component, system, subsystem, function, or device is  
 4-42 equivalent or superior to the standards adopted under [~~by the~~]  
 4-43 commission rules.

4-44 SECTION 6. Subsections (a), (b), (c), (e), and (f), Section  
 4-45 754.0141, Health and Safety Code, are amended to read as follows:

4-46 (a) Elevators, chairlifts, or platform lifts installed in a  
 4-47 single-family dwelling on or after January 1, 2004, must comply  
 4-48 with the ASME Code A17.1 or A18.1, as applicable, and must be  
 4-49 inspected by a registered elevator [~~OEI-1 certified~~] inspector  
 4-50 after the installation is complete. The inspector shall provide  
 4-51 the dwelling owner a copy of the inspection report.

4-52 (b) The commission shall [~~, before January 1, 2004,~~] adopt  
 4-53 rules containing minimum safety standards that must be used by  
 4-54 registered elevator [~~OEI-1 certified~~] inspectors when inspecting  
 4-55 elevators, chairlifts, and platform lifts installed in  
 4-56 single-family dwellings.

4-57 (c) A municipality may withhold a certificate of occupancy  
 4-58 for a dwelling or for the installation of the elevator or chairlift  
 4-59 until the owner provides a copy of the [~~OEI-1~~] inspection report to  
 4-60 the municipality.

4-61 (e) On completing installation of equipment in a  
 4-62 single-family dwelling, a contractor shall provide the dwelling  
 4-63 owner with relevant information, in writing, about use, safety, and  
 4-64 maintenance of the equipment, including the advisability of having  
 4-65 the equipment periodically and timely inspected by a registered  
 4-66 elevator [~~OEI-1 certified~~] inspector.

4-67 (f) An inspection by a registered elevator [~~OEI-1~~  
 4-68 ~~certified~~] inspector of equipment in a single-family dwelling may  
 4-69 be performed only at the request and with the consent of the owner.

5-1 The owner of a single-family dwelling is not subject to Section  
 5-2 754.0231, 754.0232, 754.0233, 754.0234, or 754.0235 [~~754.022,~~  
 5-3 ~~754.023, or 754.024~~].

5-4 SECTION 7. Section 754.015, Health and Safety Code, is  
 5-5 amended to read as follows:

5-6 Sec. 754.015. RULES. (a) The commission by rule shall  
 5-7 provide for:

5-8 (1) an annual inspection and certification of the  
 5-9 equipment covered by standards adopted under this chapter  
 5-10 [~~subchapter~~];

5-11 (2) enforcement of those standards;

5-12 (3) registration, including certification, of  
 5-13 elevator [~~qualified~~] inspectors [~~and contractors~~];

5-14 (4) registration of contractors;

5-15 (5) the procedures by which a certificate of  
 5-16 compliance is issued and displayed [~~the form of inspection~~  
 5-17 ~~documents, contractor reports, and certificates of compliance~~];

5-18 (6) [~~(5)~~] notification to building owners,  
 5-19 architects, and other building industry professionals regarding  
 5-20 the necessity of annually inspecting equipment;

5-21 (7) [~~(6)~~] approval of continuing education programs  
 5-22 for registered elevator [~~OEI-1 certified~~] inspectors;

5-23 (8) [~~(7)~~] standards of conduct for individuals who are  
 5-24 registered under this chapter [~~subchapter~~];

5-25 (9) [~~(8)~~] general liability insurance as a condition  
 5-26 of contractor registration with coverage of not less than:

5-27 (A) \$1 million for each single occurrence of  
 5-28 bodily injury or death; and

5-29 (B) \$500,000 for each single occurrence of  
 5-30 property damage;

5-31 (10) [~~(9)~~] the submission and review of plans for the  
 5-32 installation or alteration of equipment; [~~and~~]

5-33 (11) [~~(10)~~] continuing education requirements for  
 5-34 renewal of contractor registration;

5-35 (12) maintenance control programs, maintenance,  
 5-36 repair, and parts manuals, and product-specific inspection,  
 5-37 testing, and maintenance procedures;

5-38 (13) the method and manner of reporting accidents and  
 5-39 reportable conditions to the department; and

5-40 (14) an owner's designation of an agent for purposes of  
 5-41 this chapter.

5-42 (b) The commission by rule may not:

5-43 (1) require inspections of equipment to be made more  
 5-44 often than every 12 months, except as provided by Subsection (c); or

5-45 (2) require persons to post a bond or furnish  
 5-46 insurance or to have minimum experience or education as a condition  
 5-47 of certification or registration, except as otherwise provided by  
 5-48 this chapter [~~, or~~];

5-49 [~~(3) prohibit a OEI-1 certified inspector who is~~  
 5-50 ~~registered with the department from inspecting equipment~~].

5-51 (c) The commission by rule may require a reinspection or  
 5-52 recertification of equipment if:

5-53 (1) the equipment has been altered;

5-54 (2) the equipment [~~and~~] poses a significant threat to  
 5-55 passenger or worker safety; or

5-56 (3) [~~if~~] an annual inspection report indicates an  
 5-57 existing violation has continued longer than permitted in a delay  
 5-58 granted by the executive director.

5-59 (d) The executive director may charge a reasonable fee as  
 5-60 set by the commission for:

5-61 (1) registering or renewing registration of an  
 5-62 elevator inspector;

5-63 (2) registering or renewing registration of a  
 5-64 contractor;

5-65 (3) applying for a certificate of compliance;

5-66 (4) filing an inspection report as required by Section  
 5-67 754.019(a)(3), 30 days or more after the date the report is due, for  
 5-68 each day the report remains not filed after the date the report is  
 5-69 due;

6-1 (5) submitting for review plans for the installation  
 6-2 or alteration of equipment;  
 6-3 (6) reviewing and approving continuing education  
 6-4 providers and courses for renewal of elevator inspector and  
 6-5 contractor registrations [~~registration~~];  
 6-6 (7) applying for a waiver, new technology variance, or  
 6-7 delay; and  
 6-8 (8) attending a continuing education program  
 6-9 sponsored by the department for registered elevator [~~QEI-1~~]  
 6-10 inspectors.

6-11 (e) The commission by rule may require inspection reports,  
 6-12 other documents, and fees to be filed in a manner prescribed by the  
 6-13 department, including electronically.

6-14 SECTION 8. Section 754.016, Health and Safety Code, is  
 6-15 amended to read as follows:

6-16 Sec. 754.016. INSPECTION REPORTS AND CERTIFICATES OF  
 6-17 COMPLIANCE. (a) Inspection reports and certificates of  
 6-18 compliance required under this chapter [~~subchapter~~] must cover all  
 6-19 equipment in a building or structure appurtenant to the building,  
 6-20 including a parking facility, that are owned by the same person or  
 6-21 persons.

6-22 (b) A registered elevator [~~An~~] inspector shall issue [~~date~~  
 6-23 ~~and sign~~] an inspection report [~~and shall issue the report~~] to the  
 6-24 [~~building~~] owner not later than the fifth [~~10th~~] calendar day after  
 6-25 the date of inspection in accordance with the procedures  
 6-26 established by commission rule.

6-27 (c) The executive director shall issue [~~date and sign~~] a  
 6-28 certificate of compliance [~~and shall issue the certificate~~] to the  
 6-29 [~~building~~] owner. [~~The certificate of compliance shall state:~~

6-30 [~~(1) that the equipment has been inspected by a~~  
 6-31 ~~certified inspector and found by the inspector to be in compliance,~~  
 6-32 ~~except for any delays or waivers granted by the executive director~~  
 6-33 ~~and stated in the certificate;~~

6-34 [~~(2) the date of the last inspection and the due date~~  
 6-35 ~~for the next inspection; and~~

6-36 [~~(3) contact information at the department to report a~~  
 6-37 ~~violation of this subchapter.]~~

6-38 (d) The commission by rule shall:

6-39 (1) [~~specify what information must be contained in a~~  
 6-40 ~~certificate of compliance;~~

6-41 (2) [~~describe the procedure by which a certificate of~~  
 6-42 ~~compliance is issued;~~

6-43 (3) [~~require that a certificate of compliance for any~~  
 6-44 ~~equipment~~ [~~related to an elevator~~] be posted in a publicly visible  
 6-45 area of the building; and

6-46 (2) [~~(4)~~] determine what constitutes a "publicly  
 6-47 visible area" under Subdivision (1) [~~(3)~~].

6-48 (e) The department shall prescribe the format and the  
 6-49 required information contained in the inspection reports, the  
 6-50 certificates of compliance, and other documents.

6-51 SECTION 9. The heading to Section 754.017, Health and  
 6-52 Safety Code, is amended to read as follows:

6-53 Sec. 754.017. REGISTERED ELEVATOR [~~CERTIFIED~~] INSPECTORS.

6-54 SECTION 10. Subsections (a), (b), and (d), Section 754.017,  
 6-55 Health and Safety Code, are amended to read as follows:

6-56 (a) In order to inspect equipment, an individual must:

6-57 (1) be registered with the department;

6-58 (2) attend educational programs approved by the  
 6-59 department;

6-60 (3) be certified as an [~~a QEI-1~~] inspector in  
 6-61 accordance with the rules adopted by the commission [~~by an~~  
 6-62 ~~organization accredited by the American Society of Mechanical~~  
 6-63 ~~Engineers~~]; [~~and~~]

6-64 (4) comply with the continuing education requirements  
 6-65 established by commission rule for registration renewal; and

6-66 (5) pay all applicable fees.

6-67 (b) A person assisting a registered elevator [~~certified~~]  
 6-68 inspector and working under the direct, on-site supervision of the  
 6-69 inspector is not required to be registered [~~certified~~].

7-1 (d) A registered elevator [~~certified~~] inspector may not  
 7-2 inspect equipment if the inspector or the inspector's employer has  
 7-3 a financial or personal conflict of interest or the appearance of  
 7-4 impropriety related to the inspection of that equipment [~~may not be~~  
 7-5 ~~required to attend more than seven hours of continuing education~~  
 7-6 ~~during each licensing period~~].

7-7 SECTION 11. Subsections (a) and (f), Section 754.0171,  
 7-8 Health and Safety Code, are amended to read as follows:

7-9 (a) A person may not install, repair, alter, test, or  
 7-10 maintain equipment without registering as a contractor with the  
 7-11 department as required by this chapter [~~subchapter~~].

7-12 (f) Installation, repair, alteration, testing, and  
 7-13 maintenance standards for contractors must be consistent with ASME  
 7-14 Code A17.1, ASME Code A17.3, ASME Code A18.1, and ASCE Code 21.

7-15 SECTION 12. Section 754.0172, Health and Safety Code, is  
 7-16 amended to read as follows:

7-17 Sec. 754.0172. INSPECTION FEE. The amount charged for an  
 7-18 inspection or the performance of an inspection of equipment under  
 7-19 this chapter [~~subchapter~~] may not be contingent on the existence of  
 7-20 a maintenance contract between the person performing the inspection  
 7-21 and any other person.

7-22 SECTION 13. The heading to Section 754.0174, Health and  
 7-23 Safety Code, is amended to read as follows:

7-24 Sec. 754.0174. CONTINUING EDUCATION FOR RENEWAL OF ELEVATOR  
 7-25 INSPECTOR AND CONTRACTOR REGISTRATIONS.

7-26 SECTION 14. Section 754.0174, Health and Safety Code, is  
 7-27 amended by adding Subsection (a-1) and amending Subsection (b) to  
 7-28 read as follows:

7-29 (a-1) Each registered elevator inspector must complete  
 7-30 continuing education requirements set by commission rule before the  
 7-31 inspector may renew the inspector's registration.

7-32 (b) A provider of continuing education under this section  
 7-33 must:

7-34 (1) register with the department; and

7-35 (2) comply with rules adopted by the commission  
 7-36 relating to continuing education for a registered elevator  
 7-37 inspector or designated responsible party, as applicable.

7-38 SECTION 15. Section 754.018, Health and Safety Code, is  
 7-39 amended to read as follows:

7-40 Sec. 754.018. POWERS OF MUNICIPALITIES. Subject to Section  
 7-41 754.014(h), if a municipality operates a program for the  
 7-42 installation, maintenance, alteration, inspection, testing, or  
 7-43 certification of equipment, this chapter [~~subchapter~~] shall not  
 7-44 apply to the equipment in that municipality, provided that the  
 7-45 standards of installation, maintenance, alteration, inspection,  
 7-46 testing, and certification are at least equivalent to those  
 7-47 contained in this chapter [~~subchapter~~].

7-48 SECTION 16. The heading to Section 754.019, Health and  
 7-49 Safety Code, is amended to read as follows:

7-50 Sec. 754.019. DUTIES OF [~~REAL PROPERTY~~] OWNERS.

7-51 SECTION 17. Subsections (a), (b), and (e), Section 754.019,  
 7-52 Health and Safety Code, are amended to read as follows:

7-53 (a) The owner [~~of real property on which equipment covered~~  
 7-54 ~~by this subchapter is located~~] shall:

7-55 (1) have the equipment inspected annually by a  
 7-56 registered elevator [~~certified~~] inspector;

7-57 (2) obtain an inspection report from the inspector  
 7-58 evidencing that all equipment in a building on the real property was  
 7-59 inspected in accordance with this chapter [~~subchapter~~] and rules  
 7-60 adopted under this chapter [~~subchapter~~];

7-61 (3) file with the executive director each inspection  
 7-62 report, and all applicable fees, not later than the 15th calendar  
 7-63 [~~60th~~] day after the date on which an inspection is made under this  
 7-64 chapter [~~subchapter~~];

7-65 (4) display the certificate of compliance for the  
 7-66 equipment in a publicly visible area as defined by commission  
 7-67 rule [+

7-68 [~~(A) in a publicly visible area of the building,~~  
 7-69 ~~as determined by commission rule under Section 754.016, if the~~

8-1 ~~certificate relates to an elevator,~~  
 8-2 ~~[(B) in the escalator box if the certificate~~  
 8-3 ~~relates to an escalator, or~~  
 8-4 ~~[(C) in a place designated by the executive~~  
 8-5 ~~director if the certificate relates to equipment other than an~~  
 8-6 ~~elevator or escalator]; and~~  
 8-7 (5) maintain the equipment in compliance with the  
 8-8 standards and codes adopted under commission rules [display the  
 8-9 inspection report at the locations designated in Subdivision (4)  
 8-10 until a certificate of compliance is issued].

8-11 (b) When an inspection report is filed, the owner shall  
 8-12 submit to the executive director, as applicable:

8-13 (1) verification that any deficiencies in the  
 8-14 registered elevator inspector's report have been remedied or that a  
 8-15 bona fide contract to remedy the deficiencies has been entered  
 8-16 into; or

8-17 (2) any application for delay or waiver of an  
 8-18 applicable standard.

8-19 (e) An owner shall report to the department each accident  
 8-20 involving equipment not later than 24 [~~72~~] hours following the  
 8-21 accident.

8-22 SECTION 18. Section 754.020, Health and Safety Code, is  
 8-23 amended to read as follows:

8-24 Sec. 754.020. CHIEF ELEVATOR INSPECTOR. The executive  
 8-25 director may appoint a chief elevator inspector to administer the  
 8-26 equipment inspection and registration program. The chief elevator  
 8-27 inspector:

8-28 (1) may not have a financial or commercial interest in  
 8-29 the manufacture, maintenance, repair, inspection, installation, or  
 8-30 sale of equipment; and

8-31 (2) must possess the [~~a QEI-1~~] certification or obtain  
 8-32 the certification required under Section 754.017 within six months  
 8-33 after becoming chief elevator inspector.

8-34 SECTION 19. Section 754.021, Health and Safety Code, is  
 8-35 amended to read as follows:

8-36 Sec. 754.021. LIST OF REGISTERED ELEVATOR INSPECTORS AND  
 8-37 CONTRACTORS; PERSONNEL. The executive director shall:

8-38 (1) compile a list of elevator [certified] inspectors  
 8-39 and contractors who are registered with the department; and

8-40 (2) employ personnel who are necessary to enforce this  
 8-41 chapter [subchapter].

8-42 SECTION 20. Chapter 754, Health and Safety Code, is amended  
 8-43 by adding Sections 754.0231, 754.0232, 754.0233, 754.0234, and  
 8-44 754.0235 to read as follows:

8-45 Sec. 754.0231. INSPECTIONS AND INVESTIGATIONS.

8-46 (a) Except as provided by Subsection (b), the department may  
 8-47 conduct an inspection or investigation of equipment regulated under  
 8-48 this chapter in accordance with Chapter 51, Occupations Code. The  
 8-49 department shall be granted access to any location in the building  
 8-50 that is inaccessible to the public in order to conduct a full  
 8-51 inspection or investigation of the equipment.

8-52 (b) If there is good cause for the executive director to  
 8-53 believe that equipment on the property poses an imminent and  
 8-54 significant danger or that an accident involving equipment occurred  
 8-55 on the property, the executive director or the executive director's  
 8-56 designee may at any time enter the property to inspect the equipment  
 8-57 or investigate the danger or accident. The executive director or  
 8-58 the executive director's designee must be granted access to any  
 8-59 location in the building that is inaccessible to the public in order  
 8-60 to conduct a full inspection or investigation.

8-61 Sec. 754.0232. REGISTRATION PROCEEDINGS. (a) The  
 8-62 commission or executive director may deny, suspend, or revoke a  
 8-63 registration under this chapter and may assess an administrative  
 8-64 penalty for:

8-65 (1) obtaining registration by fraud or false  
 8-66 representation;

8-67 (2) falsifying a report submitted to the executive  
 8-68 director; or

8-69 (3) violating this chapter or a rule adopted under

9-1 this chapter.

9-2 (b) Proceedings for the denial, suspension, or revocation  
 9-3 of a registration and appeals from these proceedings are governed  
 9-4 by Chapter 2001, Government Code.

9-5 Sec. 754.0233. INJUNCTIVE RELIEF; CIVIL PENALTY. (a) The  
 9-6 attorney general or the executive director may institute an action  
 9-7 for injunctive relief to prevent or restrain a violation or  
 9-8 threatened violation of this chapter or a rule adopted under this  
 9-9 chapter.

9-10 (b) The attorney general or the executive director may  
 9-11 institute an action to collect a civil penalty from a person that  
 9-12 appears to be violating or threatening to violate this chapter or a  
 9-13 rule adopted under this chapter. A civil penalty assessed under  
 9-14 this subsection may not exceed \$5,000 per day for each violation.

9-15 (c) An action filed under this section must be filed in a  
 9-16 district court in Travis County.

9-17 (d) The attorney general and the department may recover  
 9-18 reasonable expenses incurred in obtaining injunctive relief or  
 9-19 civil penalties under this section, including court costs,  
 9-20 reasonable attorney's fees, investigative costs, witness fees, and  
 9-21 deposition expenses.

9-22 Sec. 754.0234. EMERGENCY ORDERS. (a) The executive  
 9-23 director may issue an emergency order as necessary to enforce this  
 9-24 chapter if the executive director determines that an emergency  
 9-25 exists requiring immediate action to protect the public health and  
 9-26 safety.

9-27 (b) The executive director shall issue an emergency order in  
 9-28 accordance with Chapter 51, Occupations Code.

9-29 Sec. 754.0235. ORDERS TO DISCONNECT POWER TO OR LOCK OUT  
 9-30 EQUIPMENT. (a) An emergency order issued in accordance with  
 9-31 Section 754.0234 may also direct an owner to disconnect power to or  
 9-32 lock out equipment if:

9-33 (1) the department determines imminent and  
 9-34 significant danger to passenger or worker safety exists if action  
 9-35 is not taken immediately; or

9-36 (2) an annual inspection has not been performed in  
 9-37 more than two years.

9-38 (b) If an emergency order to disconnect power or lock out  
 9-39 equipment is issued, the owner may have the power reconnected or the  
 9-40 equipment unlocked only if a registered elevator inspector or  
 9-41 contractor or a department representative verifies in writing to  
 9-42 the department that the imminent and significant danger has been  
 9-43 removed by repair, replacement, or other means.

9-44 (c) If an emergency order to disconnect power or lock out  
 9-45 equipment is issued and the owner later notifies the department  
 9-46 that the imminent and significant danger no longer exists, the  
 9-47 executive director or the executive director's designee shall,  
 9-48 after the requirements of Subsection (b) are satisfied, issue  
 9-49 written permission to reconnect power or unlock the equipment and  
 9-50 notify the owner.

9-51 SECTION 21. Section 754.025, Health and Safety Code, is  
 9-52 amended to read as follows:

9-53 Sec. 754.025. APPLICATION OF CERTAIN LAW. [~~(a) Chapter~~  
 9-54 ~~53, Occupations Code, applies to a registration under this~~  
 9-55 ~~subchapter.~~

9-56 [~~(b)~~] Sections 51.401 and 51.404, Occupations Code, do not  
 9-57 apply to this chapter, except those sections do apply to Sections  
 9-58 754.017 and 754.0171 [~~subchapter~~].

9-59 SECTION 22. The following provisions of the Health and  
 9-60 Safety Code are repealed:

- 9-61 (1) Subchapter A, Chapter 754;
- 9-62 (2) the heading to Subchapter B, Chapter 754;
- 9-63 (3) Subsection (i), Section 754.014;
- 9-64 (4) Subsections (d) and (e), Section 754.0171; and
- 9-65 (5) Sections 754.022, 754.023, and 754.024.

9-66 SECTION 23. (a) The Texas Commission of Licensing and  
 9-67 Regulation shall adopt rules implementing Chapter 754, Health and  
 9-68 Safety Code, as amended by this Act, not later than January 1, 2014.

9-69 (b) Subsection (b), Section 754.016, and Subdivision (3),

10-1 Subsection (a), Section 754.019, Health and Safety Code, as amended  
10-2 by this Act, apply only to an inspection initiated on or after  
10-3 January 1, 2014.

10-4 (c) The repeal by this Act of Subchapter A, Chapter 754,  
10-5 Health and Safety Code, and Section 754.024, Health and Safety  
10-6 Code, does not apply to an offense committed under Section 754.003  
10-7 or 754.024, Health and Safety Code, before the effective date of the  
10-8 repeal. An offense committed before the effective date of the  
10-9 repeal is governed by Section 754.003 or 754.024, Health and Safety  
10-10 Code, as it existed on the date the offense was committed, and the  
10-11 former law is continued in effect for that purpose. For purposes of  
10-12 this section, an offense was committed before the effective date of  
10-13 the repeal if any element of the offense occurred before that date.

10-14 SECTION 24. This Act takes effect September 1, 2013.

10-15 \* \* \* \* \*